

capacity would be less than 275,000, making their repetition of outdated initial capacity statements at conferences false or misleading.¹

/s/ Gerald Austin McHugh
United States District Judge

¹ Defendant Warren remains a party, with issues to be resolved by a jury. Even in the absence of liability on his part, the scienter of Defendants Long, McCrea, and Ramsey is sufficient to attribute the statements at issue to Energy Transfer.